United Nations A/HRC/WG.6/32/CHL/2

General Assembly

Distr.: General
16 November 2018
English
Original: English/Spanish

Human Rights Council
Working Group on the Universal Periodic Review
Thirty-second session
21 January–1 February 2019

Compilation on Chile

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1, 2]

2. With regard to the relevant recommendations from the second cycle of the universal periodic review,[3] the United Nations country team stated that Chile had ratified the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189) and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.[4]

3. In 2015, the Committee on the Rights of the Child recommended that Chile ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.[5]

4. With regard to the relevant recommendations,[6] in 2018 the Office of the United Nations High Commissioner for Refugees (UNHCR) congratulated Chile on having acceded to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.[7]

5. Chile submitted a midterm report on the implementation of the recommendations made during the second cycle of the universal periodic review, held in 2014.[8]

6. Chile is covered by the Office of the United Nations High Commissioner for Human Rights (OHCHR) Regional Office for South America. OHCHR worked with Chile on the establishment of a national preventive mechanism against torture and provided technical assistance to, inter alia, develop guidelines on monitoring social protests and enhance the

capacity of State officials and civil society representatives to follow up on the recommendations made by international human rights mechanisms.[9]

7. Chile made annual contributions to OHCHR during the period 2013–2017, including to the United Nations Voluntary Fund for Victims of Torture and the United Nations Voluntary Fund for Indigenous Peoples.[10]

III. National human rights framework[11]

8. In 2015, the Committee on Economic, Social and Cultural Rights noted with satisfaction the process of constitutional reform that was to be undertaken. It recommended that Chile guarantee in the new text of the Constitution the rights of indigenous peoples and the comprehensive recognition and necessary legal protection of economic, social and cultural rights.[12] The United Nations country team reported that in March 2018 the bill to amend the Constitution had been submitted to Congress but that there had been no movement on the legislative front.[13]

9. With regard to the relevant recommendations,[14] the United Nations country team noted that Chile had created the Office of the Undersecretary for Human Rights and developed the first National Human Rights Plan, for 2018–2021; it recommended promoting the implementation of the Plan.[15]

10. In 2017, the Working Group on Enforced or Involuntary Disappearances acknowledged the work of the National Human Rights Institute and called upon the Government to continue to strengthen that institution's independence, guarantee the human and financial resources necessary for the successful discharge of its mandate and eliminate any institutional obstacle to the performance of its functions.[16]

11. In 2018, the Committee against Torture took note of the bill designating the National Human Rights Institute as the national mechanism for the prevention of torture; however, it regretted that Chile still did not have such a body despite having ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2008.[17] In 2016, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment urged Chile to establish a national preventive mechanism with the specific guarantees required under the Optional Protocol to the Convention against Torture.[18]

12. The United Nations country team urged Chile to establish a mechanism to follow up on the recommendations made by international human rights bodies.[19]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[20]

13. In 2016, the Special Rapporteur on extreme poverty and human rights noted that the 2012 Anti-Discrimination Act, while a major step forward in tackling discrimination, presented a number of weaknesses, such as the lack of a proper enforcement mechanism, a narrowly drawn definition of discrimination, the absence of the principle of equality between men and women, and the lack of provisions relating to affirmative action or temporary measures.[21]

14. The Committee on Economic, Social and Cultural Rights was concerned at the persistent discrimination against indigenous peoples, lesbian, gay, bisexual and transgender persons, migrants, asylum seekers and refugees, particularly in the areas of employment, education and health services.[22]

15. In 2018, the Committee on the Elimination of Discrimination against Women, while welcoming the measures taken by Chile, remained concerned about persistent discriminatory stereotypes concerning the roles of women and men in the family and in society. It recommended that Chile adopt a comprehensive strategy to overcome those stereotypes.[23]

2. Development, the environment, and business and human rights[24]

16. The United Nations country team noted the existence of so-called "sacrifice zones" — areas characterized by intensive industrial development that was causing serious environmental damage and the impoverishment of communities.[25] It recommended that Chile should investigate the negative effects on the inhabitants of those areas, speed up the implementation of socio-environmental recovery programmes, develop environmental quality standards in accordance with the international standards of the World Health Organization, and apply the Guiding Principles on Business and Human Rights in the field of natural resource exploration and exploitation.[26]

17. The Committee on Economic, Social and Cultural Rights recommended that Chile establish a clear legal framework for enterprises in order to ensure that their activities did not negatively affect the exercise of economic, social and cultural rights.[27]

18. The United Nations country team recommended speeding up adoption of the bill to create the National Service for Biodiversity and Protected Areas and designing comprehensive strategies for adapting to climate change.[28]

3. Human rights and counter-terrorism[29]

19. In 2014, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism noted that the definition of terrorism under Chilean legislation was very broad and that the Inter-American Commission on Human Rights had concluded that it contradicted the principle of legality.[30] The Committee against Torture also expressed concern at the restrictions on fundamental safeguards and procedural guarantees contained in the Counter-Terrorism Act.[31]

20. The United Nations country team noted that the anti-terrorist legislation had continued to be invoked and applied, in the vast majority of cases, against members of the Mapuche people.[32]

B. Civil and political rights

1. Right to life, liberty and security of person[33]

21. The Working Group on Enforced or Involuntary Disappearances welcomed the introduction of a bill classifying enforced disappearance as a separate offence in the Criminal Code and urged the Government to take the necessary steps to ensure its adoption.[34]

22. The Committee against Torture considered that the new definition of the offence of torture largely reflected the content of article 1 of the Convention. However, it urged Chile to explicitly include in the offence acts of torture committed for the purpose of intimidating or coercing a third party, to ensure that perpetrators of torture are punished in accordance with the seriousness of the offence and to repeal the statute of limitations as applied to the offence of torture.[35]

23. The Committee expressed its concern at the many cases of police brutality and excessive use of force by security forces against demonstrators and at consistent reports of ill-treatment of detained demonstrators, of police brutality against members of the Mapuche people in the context of evictions and raids in their communities and of acts of sexual violence by the police against women and girls during student protests.[36] In 2016, the Special Rapporteur on the right to freedom of peaceful assembly and of association also noted several reports of excessive use of force by the police in the context of protests by indigenous peoples calling for the respect of their rights, especially land rights.[37]

24. The Committee against Torture recommended that Chile should ensure that all complaints of excessive use of force by law enforcement and security personnel were subject to a prompt, impartial and effective investigation and that victims received appropriate compensation.[38] It also recommended that Chile should step up its efforts to systematically provide training to all law enforcement officers on the use of force in the context of demonstrations.[39]

25. The United Nations country team noted that Act No. 20931 of 2016 had established a new preventive identity-checking procedure permitting police officers to check the identity of any person of age, anywhere and without giving a reason, and recommended that a grievance mechanism should be put in place to prevent the arbitrary or indiscriminate use of the procedure.[40]

26. The Committee against Torture, while appreciating the efforts to improve prison conditions, recommended that Chile should step up its efforts to alleviate overcrowding in detention centres and take urgent steps to correct deficiencies in general prison conditions.[41] The Committee on the Elimination of Discrimination against Women was concerned at the high number of women in preventive detention, many of whom were the breadwinners for their families, and at the limited access to adequate health care for women in detention.[42]

27. The Subcommittee on Prevention of Torture recommended that Chile adopt a comprehensive legal framework for the prison system that was in conformity with international standards, and establish a system in which responsibility for monitoring and overseeing the execution of prison sentences was assigned to a specialized judicial body.[43]

28. The Committee on the Elimination of Discrimination against Women remained concerned about the reported use of violence by State agents against lesbian, bisexual and transgender women.[44]

29. The Committee against Torture was concerned at reports that persons with disabilities and older persons placed in residential institutions were subjected to degrading treatment, including the frequent use of restraints, forced medication and sexual abuse.[45]

2. Administration of justice, including impunity, and the rule of law[46]

30. The Working Group on Enforced or Involuntary Disappearances considered the fact that the judiciary had again confirmed the non-applicability of the Amnesty Decree-Law of 1978 to be a positive step. However, it believed that the fact that the Decree-Law remained in force failed to provide the necessary safeguards in the event of a change in judicial opinion; it regretted the lack of progress in the legislative process towards repeal of the Decree-Law.[47]

31. The United Nations country team noted that the testimony of victims of political imprisonment and torture contained in the Valech I report was still subject to the 50-year confidentiality rule; it recommended adoption of the bill giving the courts access to that information.[48]

32. The United Nations country team recommended speeding up passage of the bills to declare genocide, crimes against humanity and war crimes not subject to the statute of limitations.[49]

33. The Committee against Torture urged Chile to continue prosecuting cases of human rights violations that had occurred during the dictatorship and to ensure that the perpetrators of those crimes were sentenced in accordance with the gravity of their acts and that the sentences imposed on them were effectively enforced.[50]

34. The United Nations country team noted that the process of recognizing victims of human rights violations during the dictatorship had been carried out by three temporary truth commissions; it recommended the establishment of a standing assessment committee.[51] It also recommended that an institutional policy on comprehensive reparation for all victims of the military dictatorship should be put in place and that the Programme of Compensation and Comprehensive Health Care should be adapted to meet the needs of victims and their families.[52]

35. The Committee against Torture took note of the change in the jurisdiction of military courts. However, it considered that the reform remained insufficient insofar as the jurisdiction of the military courts in criminal matters had not been limited to crimes of a strictly military nature committed by military personnel in active service, and it urged Chile to pursue its reform of the military justice system.[53]

36. The Committee on the Elimination of Discrimination against Women welcomed the establishment of the Technical Secretariat for Gender Equality and Non-Discrimination in the Supreme Court. However, it was concerned at the institutional, procedural and practical barriers faced by women in gaining access to justice.[54]

3. Fundamental freedoms and the right to participate in public and political life[55]

37. The Committee on the Elimination of Discrimination against Women welcomed the adoption of Act No. 20840 (2015) establishing a proportionate, inclusive electoral system for congressional elections, putting an end to the binominal system.[56]

38. The Special Rapporteur on freedom of peaceful assembly and of association considered the framework regulating the right to peaceful assembly in Chile to be a de facto authorization regime. He recommended that Chile adopt new legislation that required, at most, prior notification of peaceful assemblies, with the exception of spontaneous assemblies, which should be exempt from notification requirements.[57]

39. The Special Rapporteur noted that the police protocols governing practical management of protests contained a series of positive principles, but also a number of problematic points, including in relation to the definition of "lawful assembly" and the specification of the different means of intervention allowed. He recommended that Chile ensure the compatibility of the police protocols with international human rights standards.[58] He also noted the reported use of excessive force by police special forces when managing protests.[59]

40. The United Nations Educational, Scientific and Cultural Organization (UNESCO) had recorded no killings of journalists or media workers in Chile since 2008.[60] It recommended decriminalizing defamation and placing it within a civil code that was in accordance with international standards.[61]

4. Prohibition of all forms of slavery[62]

41. The Committee against Torture noted that the criminal offence of trafficking in persons did not include acts of trafficking for the purpose of labour exploitation and called on Chile to bring its legislation into line with international standards.[63]

42. While the United Nations country team recognized the efforts made by Chile to prosecute and punish traffickers, it noted that the number of convictions was still low.[64]

43. UNHCR recommended that Chile implement regular training of border police and migration authorities on the identification of victims of trafficking, bring to justice perpetrators, and ensure access to adequate rehabilitation services.[65]

5. Right to privacy and family life[66]

44. The United Nations country team noted that in 2015 the Act Creating the Civil Union Agreement had been adopted in order to regulate the legal effects of shared emotional life between two persons of the same or opposite sex.[67]

45. The Committee on the Elimination of Discrimination against Women recommended that Chile adopt the draft law on same-sex marriage (bill No. 11422-07) and ensure filiation rights and parental rights were protected.[68]

46. In 2015, the Committee on the Rights of the Child was concerned that Chilean legislation provided the possibility for children to get married at the age of 16, with the authorization of their parents or legal representatives. It recommended that Chile set the minimum age for marriage at 18 years in all circumstances.[69]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[70]

47. In 2017, the ILO Committee of Experts on the Application of Conventions and Recommendations noted the adoption of the Modernization of the Labour Relations System, but indicated that a number of issues remained unaddressed.[71] The Special Rapporteur on freedom of peaceful assembly and of association urged Chile to continue to take measures to bring its legislation into full compliance with the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98).[72]

48. In 2015, the Working Group on the issue of discrimination against women in law and in practice, while welcoming Chile's efforts, was concerned at the low percentage of women in the labour market and noted that rates of unemployment for women remained higher than for men.[73] The Committee on the Elimination of Discrimination against Women recommended expediting the adoption of bill No. 9.322-13 on equal pay for equal work.[74]

49. The Committee welcomed the adoption of Act No. 21015 (2015) encouraging the integration of persons with disabilities into the labour market.[75]

50. The Committee also welcomed the adoption of Act No. 20786 (2014) on domestic workers. It recommended that Chile ensure that labour legislation was applied to domestic workers, including through systematic labour inspections and awareness-raising activities.[76]

2. Right to social security[77]

51. The Committee on the Elimination of Discrimination against Women noted with concern that the pension system disproportionately disadvantaged women because they were often employed in the informal sector, were paid inconsistently and performed unpaid care work. The Committee recommended that Chile further review its pension system to eliminate all provisions that discriminated against women.[78]

3. Right to an adequate standard of living[79]

52. The Special Rapporteur on extreme poverty noted that, despite the extraordinary progress made by Chile since the end of the dictatorship, troubling rates of poverty and extreme poverty persisted among some population groups and inequality levels were extremely high.[80] He urged Chile to adopt a carefully targeted comprehensive anti-poverty plan that specifically addressed both poverty and extreme poverty, and to establish more effective mechanisms to coordinate the existing poverty eradication programmes.[81]

53. In 2018, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, noted that Chile had successfully delivered homeownership to a large number of low- and middle-income households, but that security of tenure in those cases had come at the expense of essential aspects of housing as a human right, such as location, quality and habitability, access to transportation and employment opportunities.[82] She indicated that Chile required a human rights-based, comprehensive social housing strategy.[83]

54. The United Nations country team was concerned about the decline in the availability of fresh water per capita and the rather inefficient use of water.[84] The Committee on Economic, Social and Cultural Rights was concerned by the limited access to drinking water and sanitation services, in particular in rural areas, and the disproportionate and unsustainable use of water by the mining industry.[85]

55. The Committee on the Elimination of Discrimination against Women noted with satisfaction the commitment of Chile to implement the Sustainable Development Goals, including through the creation of a national council for the implementation of the 2030 Agenda for Sustainable Development.[86]

4. Right to health[87]

56. The Committee on Economic, Social and Cultural Rights recommended that Chile continue its efforts to ensure the accessibility, availability, affordability and quality of health care, paying special attention to the needs of disadvantaged and marginalized groups.[88]

57. The Working Group on the issue of discrimination against women in law and in practice recommended that Chile develop a strategy to prevent teenage pregnancies, integrating mandatory sex education into all schools from the primary level.[89] It also noted that, although Act. No. 20418 guaranteed access to contraceptives of all kinds, in practice difficulties existed regarding unequal access to contraceptives and non-availability of emergency contraception in many municipalities.[90]

58. The Committee on the Elimination of Discrimination against Women welcomed the adoption of Act No. 21030 (2017) easing the total ban on abortion by legalizing voluntary termination of pregnancy on three grounds: in cases of rape, where there was a threat to the life of the pregnant woman, and where the fetus was fatally impaired. However, it was concerned about the continued potential risk to women posed by illegal and unsafe abortions and about conscientious objection on the part of individuals or institutions, which might unintentionally hinder women's access to safe abortion, especially in rural and remote areas.[91] It recommended that Chile extend the scope of Act No. 21030 to decriminalize abortion in all cases and apply strict justification requirements to prevent the blanket use of conscientious objection.[92]

59. The Working Group on the issue of discrimination against women in law and in practice noted that the maternal mortality rate was one of the lowest in Latin America, with 22.1 deaths per 100,000 live births.[93]

60. The United Nations country team noted that obesity rates were alarming and that food insecurity was closely linked to poverty, generally concentrated in the rural areas of the country. It recommended the development of legislative and institutional policies and frameworks for the realization of the right to food, as well as a national platform on food policy.[94]

61. The Committee on the Elimination of Discrimination against Women recommended that Chile explicitly prohibit the performance of unnecessary surgical or other medical treatment on intersex children until they reached an age at which they were able to give their free, prior and informed consent, and provide families with intersex children with adequate counselling and support.[95]

5. Right to education[96]

62. The United Nations country team stressed that in the past five years Chile had made progress in reform of the education system, noting the adoption of the Inclusive Education Act and the Act establishing the public education system. However, it noted that there were significant differences in learning depending on students' families' socioeconomic status; it recommended adoption of a public policy of inclusive education and reinforcement of the quality of education from early childhood up to the end of secondary education.[97]

63. In 2017, the Special Rapporteur on the right to education recommended that Chile adopt a law on financing education to ensure that public resources for education were available on a sustainable basis.[98]

64. UNESCO noted that both public and private schools continued to select students on arbitrary criteria or based on their socioeconomic background. It encouraged Chile to eliminate all mechanisms that resulted in the discrimination and segregation of students and to foster the development of a better regulatory and monitoring framework in private institutions.[99]

65. UNESCO encouraged Chile to provide minority groups and indigenous people with quality educational services, including the use of indigenous languages in schools, and address the high financial costs of education.[100]

66. The Committee on the Elimination of Discrimination against Women recommended that Chile revise curricula to eliminate gender stereotyping and ensure that gender-sensitive teaching materials were available.[101]

67. The Committee on the Rights of the Child recommended that Chile develop a comprehensive strategy to prevent and address all forms of violence against children in educational settings, including gender-based violence.[102]

D. Rights of specific persons or groups

1. Women[103]

68. The Working Group on the issue of discrimination against women in law and in practice noted that Chile had made significant progress towards gender equality, but that there was still a large gap between the principles of equality and the actual rights of women.[104]

69. The Committee on the Elimination of Discrimination against Women recommended that Chile adopt, as a matter of priority, a comprehensive legal definition of all forms of discrimination against women and establish, in its Constitution or other legislation, the principle of formal and substantive equality between women and men.[105]

70. The Committee welcomed the creation of the Ministry for Women and Gender Equity and the development of the fourth national plan on equality between women and men for the period 2018–2030. It recommended that Chile ensure the adequate allocation of resources to the Ministry, thereby allowing for the full implementation of the national plan.[106]

71. In 2018, the United Nations Development Programme (UNDP) indicated that the entry into force of electoral quotas had yielded positive results. It also stated that the next step on the road towards greater equity would be the narrowing of gender gaps in campaign financing.[107]

72. The United Nations country team recommended expediting the enactment of bill No. 7567-07 to ensure equal rights of men and women in the new matrimonial property regime.[108]

73. The Working Group on the issue of discrimination against women in law and in practice noted that, despite the programmes and measures that had been developed, violence against women in Chile remained prevalent.[109] The United Nations country team recommended speeding up adoption of the bill on women's right to a life free from violence, amending the Domestic Violence Act to remove the criterion of "habitual ill-treatment" and expediting adoption of the bill to criminalize harassment in the street.[110]

2. Children[111]

74. With regard to the relevant recommendations,[112] the United Nations country team noted that in 2018 laws had been passed establishing the Office of the Children's Ombudsman and the Office of the Undersecretary for Children.[113]

75. The Committee on the Rights of the Child was concerned that the Juvenile Act of 1967 had a tutelary approach. It recommended that Chile enact a law on the comprehensive protection of children's rights in conformity with the Convention on the Rights of the Child.[114]

76. With regard to the situation of children and adolescents deprived of a family environment living in residential centres under the direct or indirect control of the National Service for Minors, the Committee on the Rights of the Child considered that Chile was responsible for gross systematic violations of the rights set forth in the Convention on the Rights of the Child. The Committee considered that such violations were primarily the result of four structural causes: (a) the use of a tutelary approach to childhood; (b) an incorrect interpretation of the subsidiary nature of the State; (c) an excessive judicialization

of the system; and (d) insufficient human, technical and financial resources in the system; and made recommendations to address them.[115]

77. The Committee against Torture urged Chile to ensure that all cases of killings and allegations of torture, ill-treatment and sexual abuse of children and adolescents placed in the network of residential centres of the National Service for Minors and its partner agencies were promptly and impartially investigated.[116]

78. The Committee on the Rights of the Child recommended that Chile criminalize sexual offences, including sexual exploitation, against children and ensure that cases of sexual abuse of children, including by members of the Catholic clergy, were effectively investigated and prosecuted.[117]

79. The Committee also recommended that Chile adopt a comprehensive law that explicitly prohibited corporal punishment against children in all settings and included measures to raise awareness about positive, non-violent and participatory forms of child-rearing.[118]

80. While noting that Act No. 20084 (2007) provided for a special juvenile justice criminal system, the same Committee remained concerned that the Act did not establish a duly dedicated judicial system, with specialized judges, prosecutors and defence attorneys. It recommended establishing such a system.[119]

81. In 2017, the ILO Committee of Experts requested Chile to continue its efforts to ensure the progressive elimination of child labour, particularly within the context of the National Strategy for the Elimination of Child Labour and the Protection of Young Persons.[120]

3. Persons with disabilities[121]

82. In 2016, the Committee on the Rights of Persons with Disabilities recommended that Chile adopt a plan to fully harmonize laws and policies, with a view to bringing them into line with the Convention on the Rights of Persons with Disabilities.[122]

83. The Committee also requested Chile to establish an independent mechanism to monitor the implementation of the Convention that satisfied the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). It recommended involving organizations of persons with disabilities in both implementing and monitoring compliance with the Convention.[123]

84. The Committee recommended that Chile adopt a general accessibility plan covering transportation, public buildings and facilities, information and communication, in both urban and rural areas.[124]

85. The Committee requested Chile to repeal all legal provisions that limited the legal capacity of adults with disabilities and to establish a supported decision-making model that respected the autonomy, will and preferences of persons with disabilities.[125]

86. The Committee urged Chile to combat stereotypes and discrimination in the media and launch public awareness campaigns to promote persons with disabilities as rights holders rather than objects of charity.[126]

4. Minorities and indigenous peoples[127]

87. The United Nations country team noted that, until the 2017 parliamentary elections, there had been no indigenous representative in Congress and that the change of electoral system had facilitated the entry of three indigenous representatives. It recommended that measures should be developed to allow for proper representation of indigenous peoples in forums for discussion and formal representation in Chile.[128]

88. The Committee on Economic, Social and Cultural Rights remained concerned by the absence of a legal mechanism guaranteeing that the free and informed prior consent of indigenous peoples was obtained with regard to decisions that might affect their economic, social and cultural rights.[129]

89. The Special Rapporteur on extreme poverty noted that poverty rates were especially high among indigenous peoples and recommended that Chile prepare, in consultation with all concerned groups, a comprehensive strategy for the elimination of indigenous poverty. He stressed the importance of addressing the issue of land rights for the elimination of indigenous poverty and the need for a major increase in the financial resources allocated for that purpose.[130]

90. The United Nations country team reported that there was no mechanism for the restitution of indigenous peoples' lands, but there was a land purchase mechanism for indigenous peoples; and that there was no indigenous land and water register that would permit the quantitative assessment of demands and possible solutions for reparation.[131]

91. In 2017, the Special Rapporteur on the rights of indigenous peoples, the Working Group on Arbitrary Detention and the Special Rapporteur on counter-terrorism urged Chile to refrain from using the antiterrorism law to deal with events that had occurred in the context of social protests by Mapuche peoples seeking to claim their rights. They noted that it was not the first time that human rights concerns had been raised over the issue and that Chile had previously given assurances that the antiterrorism law would not be used against Mapuche community members.[132]

92. The United Nations country team noted that in 2016 the bill to recognize the Afrodescendent population had been introduced, and recommended its adoption.[133]

5. Migrants, refugees, asylum seekers and internally displaced persons[134]

93. UNHCR noted that in Chile, migration issues were still regulated by Decree No. 1904 of 1975, which no longer adequately responded to the dynamics of mixed migration flows. UNHCR noted that relevant bills had been brought before the National Congress. It recommended that Chile adopt the new migration law, ensuring that it included protection-sensitive entry mechanisms for people in need of international protection and access to fair, efficient and gender-sensitive refugee status determination procedures.[135]

94. In 2014, the Human Rights Committee recommended that Chile ensure that persons subject to deportation proceedings benefited from an effective right to be heard and to have proper representation and sufficient time to lodge appeals against expulsion decisions.[136]

95. The Committee on the Elimination of Discrimination against Women welcomed the fact that, since July 2017, children and adolescents had been granted temporary visas under the "Chile Te Recibe" programme, irrespective of the migratory status of their parents.[137]

96 The Committee on the Rights of the Child recommended that Chile implement a comprehensive plan for the social inclusion of migrants, including conducting awareness-raising campaigns to promote respect and inclusion.[138]

6. Stateless persons

97. The United Nations country team noted that national legislation did not yet define the concept of stateless persons and that the country lacked a national procedure for determining statelessness.[139]

98. UNHCR noted that, while the Constitution provided that children born to foreigners in transit could not acquire Chilean nationality, in 2014 the Government had limited the "foreigners in transit" category to tourists and crew members. Consequently, children born in Chile of foreigners in an irregular situation acquired Chilean nationality at birth.[140] It recommended that Chile anchor the interpretation of the term "foreigner in transit" in the new migration law.[141]

99. UNHCR also noted the inter-institutional initiative "Chile Reconoce", confirming Chilean nationality to children of foreigners in transit.[142] The Committee on the Elimination of Discrimination against Women recommended that Chile continue that initiative and expedite the regularization process to grant Chilean nationality to all children.[143]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Chile will be available at www.ohchr.org/EN/Countries/LACRegion/Pages/CLIndex.aspx.

[2] For relevant recommendations, see A/HRC/26/5, paras. 121.1–121.17, 121.50 and 122.1.

[3] A/HRC/26/5, paras. 121.9 (Philippines), 121.10 (Madagascar), and 121.11 (Montenegro).

[4] Country team submission, pp. 3–4. See also CEDAW/C/CHL/CO/7, para. 6 (b), and A/HRC/29/40/Add.1, para. 8.

[5] CRC/C/CHL/CO/4-5, para. 92. See also CEDAW/C/CHL/CO/7, para. 11, E/C.12/CHL/CO/4, para. 32, A/HRC/37/53/Add.1, para. 86 (q), A/HRC/32/31/Add.1, para. 72, A/HRC/29/40/Add.1, para. 82 (a), country team submission, p. 4, and http://acnudh.org/acnudh-e-indh-realizan-taller-de-formacion-en-congreso-de-chile/.

[6] A/HRC/26/5, para. 121.17 (Azerbaijan).

[7] www.acnur.org/noticias/briefing/2018/4/5af2e93b17/acnur-felicita-a-chile-por-su-adhesion-a-las-convenciones-de-naciones-unidas-sobre-apatridia.html, UNHCR submission for the universal periodic review of Chile, p. 1, CEDAW/C/CHL/CO/7, para. 6 (a), and CAT/C/CHL/CO/6, para. 4 (b)–(c).

[8] See www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx.

[9] OHCHR, "Americas", in *OHCHR Report 2017*, pp. 238–239, *OHCHR Report 2016*, pp. 209–211, *OHCHR Report 2015*, pp. 190–191, *OHCHR Report 2014*, pp. 204–205, and *OHCHR Report 2013*, pp. 261–262.

[10] OHCHR, *OHCHR Report 2017*, pp. 117–118 and 125, *OHCHR Report 2016*, pp. 79, 88, 116–117 and 123, *OHCHR Report 2015*, pp. 61, 70, 98–99 and 104, *OHCHR Report 2014*, pp. 63, 72, 100–101 and 108, and *OHCHR Report 2013*, pp. 131, 135, 165 and 169.

[11] For relevant recommendations, see A/HRC/26/5, paras. 121.18, 121.23–121.25, 121.27–121.29, 121.41–121.46 and 121.58.

[12] E/C.12/CHL/CO/4, paras. 7–8. See also A/HRC/37/53/Add.1, paras. 13 and 85 (a), and A/HRC/32/31/Add.1, paras. 25 and 71.

[13] Country team submission, p. 6.

[14] A/HRC/26/5, paras. 121.27 (Indonesia), 121.28 (Peru), and 121.29 (Turkey).

[15] Country team submission, p. 1. See also A/HRC/37/53/Add.1, paras. 79 and 84 (p), A/HRC/36/39/Add.3, para. 27, A/HRC/32/36/Add.1, para. 10, CEDAW/C/CHL/CO/7, paras. 4 (b) and 5 (b), CAT/C/CHL/CO/6, paras. 5 (j) and 6 (a), and http://acnudh.org/chile-oficina-regional-del-acnudh-saluda-creacion-de-subsecretaria-de-derechos-humanos/.

[16] A/HRC/36/39/Add.3, para. 24. See also CCPR/C/CHL/CO/6, para. 6, E/C.12/CHL/CO/4, para. 9, A/HRC/32/36/Add.1, para. 47, and http://acnudh.org/acnudh-reconoce-trabajo-de-indh-de-chile/.

[17] CAT/C/CHL/CO/6, para. 16. See also CRPD/C/CHL/CO/1, para. 38, and CCPR/C/CHL/CO/6, para. 18.

[18] CAT/OP/CHL/1, paras. 15 and 17. See also CAT/OP/CHL/1/Add.1, paras. 18–20, country team submission, pp. 8–9, and CAT/C/CHL/CO/6, para. 17.

[19] Country team submission, p. 1.

[20] For relevant recommendations, see A/HRC/26/5, paras. 121.47, 121.51–121.57, 121.65–121.66, 121.68 and 121.70–121.73.

[21] A/HRC/32/31/Add.1, paras. 36–37. See also CCPR/C/CHL/CO/6, para. 11, and E/C.12/CHL/CO/4, para. 12.

[22] E/C.12/CHL/CO/4, para. 12. See also CRC/C/CHL/CO/4-5, para. 24, CCPR/C/CHL/CO/6, para. 14, and A/HRC/29/40/Add.1, para. 69.

[23] CEDAW/C/CHL/CO/7, para. 20. See also CCPR/C/CHL/CO/6, para. 11, CRC/C/CHL/CO/4-5, para. 24, E/C.12/CHL/CO/4, para. 13, A/HRC/32/31/Add.1, para. 42, and country team submission, p. 2.

[24] For the relevant recommendation, see A/HRC/26/5, para. 121.184.

[25] Country team submission, p. 12.

[26] Ibid., p. 13.

[27] E/C.12/CHL/CO/4, para. 11. See also CRC/C/CHL/CO/4-5, paras. 20–21.

[28] Country team submission, p. 13.

[29] For the relevant recommendation, see A/HRC/26/5, para. 121.22.

[30] A/HRC/25/59/Add.2, para. 43.

[31] CAT/C/CHL/CO/6, paras. 18–19. See also A/HRC/25/59/Add.2, paras. 55 and 93, CCPR/C/CHL/CO/6, para. 7, CCPR/C/CHL/CO/6/Add.1, paras. 2–20, CCPR/C/CHL/CO/6/Add.2, paras. 2–6, www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22209&LangID=S, and country team submission, p. 8.

[32] Country team submission, p. 7.

[33] For relevant recommendations, see A/HRC/26/5, paras. 121.21, 121.26, 121.48, 121.74–121.79, 121.81–121.85 and 121.112.
[34] A/HRC/36/39/Add.3, para. 6.
[35] CAT/C/CHL/CO/6, paras. 10–11. See also CAT/OP/CHL/1/Add.1, paras. 22–30, and country team submission, p. 8.
[36] CAT/C/CHL/CO/6, para. 22. See also CRC/C/CHL/CO/4-5, para. 36, A/HRC/32/36/Add.1, paras. 42 and 54, CAT/OP/CHL/1, para. 114, and A/HRC/25/59/Add.2, para. 69.
[37] A/HRC/32/36/Add.1, paras. 58 and 68.
[38] CAT/C/CHL/CO/6, para. 23 (a). See also CCPR/C/CHL/CO/6, para. 19, CCPR/C/CHL/CO/6/Add.1, paras. 42–64, CRC/C/CHL/CO/4-5, para. 42. A/HRC/32/36/Add.1, para. 54, and A/HRC/25/59/Add.2, para. 95.
[39] CAT/C/CHL/CO/6, para. 23 (c). See also CCPR/C/CHL/CO/6, para. 19, and CCPR/C/CHL/CO/6/Add.1, paras. 43–45.
[40] Country team submission, p. 9. See also A/HRC/32/36/Add.1, paras. 75–77 and 106 (k).
[41] CAT/C/CHL/CO/6, paras. 28–29. See also CCPR/C/CHL/CO/6, para. 21, CAT/OP/CHL/1, paras. 81–83, and CAT/OP/CHL/1/Add.1, paras. 94, 123 and 131.
[42] CEDAW/C/CHL/CO/7, paras. 48–49. See also CAT/C/CHL/CO/6, paras. 28–29, and CAT/OP/CHL/1, paras. 84–85.
[43] CAT/OP/CHL/1, paras. 38 and 40. See also CAT/OP/CHL/1/Add.1, paras. 34–44.
[44] CEDAW/C/CHL/CO/7, para. 24.
[45] CAT/C/CHL/CO/6, para. 38. See also CRPD/C/CHL/CO/1, paras. 33–34.
[46] For relevant recommendations, see A/HRC/26/5, paras. 121.19–121.49, 121.109–121.111 and 121.113–121.117.
[47] A/HRC/36/39/Add.3, para. 8. See also country team submission, p. 9.
[48] Country team submission, p. 9. See also CAT/C/CHL/CO/6, paras. 48–49, and A/HRC/36/39/Add.3, para. 13.
[49] Country team submission, p. 9. See also CAT/C/CHL/CO/6, paras. 46–47, and A/HRC/36/39/Add.3, para. 7.
[50] CAT/C/CHL/CO/6, para. 45.
[51] Country team submission, p. 9. See also CAT/C/CHL/CO/6, para. 51, AHRC/36/39/Add.3, para. 10.
[52] Country team submission, p. 9. See also CAT/C/CHL/CO/6, paras. 52–53, and A/HRC/36/39/Add.3, para. 25.
[53] CAT/C/CHL/CO/6, paras. 14–15. See also A/HRC/36/39/Add.3, para. 22, CAT/OP/CHL/1, para. 26, A/HRC/36/39/Add.3, para. 22, and A/HRC/32/36/Add.1, paras. 80–85.
[54] CEDAW/C/CHL/CO/7, para. 14.
[55] For relevant recommendations, see A/HRC/26/5, paras. 121.168–121.67 and 121.80.
[56] CEDAW/C/CHL/CO/7, para. 4 (h). See also A/HRC/32/31/Add.1, paras. 32 and 34.
[57] A/HRC/32/36/Add.1, paras. 17–20 and 106 (b). See also country team submission, p. 9.
[58] A/HRC/32/36/Add.1, paras. 24–38, and 106 (c). See also country team submission, p. 8.
[59] A/HRC/32/36/Add.1, paras. 41 and 106 (e).
[60] UNESCO submission for the universal periodic review of Chile, para. 8.
[61] Ibid., para. 18.
[62] For relevant recommendations, see A/HRC/26/5, paras. 121.99 and 121.100–121.104.
[63] CAT/C/CHL/CO/6, paras. 54–55.
[64] Country team submission, p. 6.
[65] UNHCR submission, p. 4. See also CEDAW/C/CHL/CO/7, para. 27.
[66] For relevant recommendations, see A/HRC/26/5, paras. 121.96 and 121.121–121.122.
[67] Country team submission, p. 2. See also CEDAW/C/CHL/CO/7, para. 4 (f).
[68] CEDAW/C/CHL/CO/7, para. 51 (b). See also country team submission, p. 2.
[69] CRC/C/CHL/CO/4-5, paras. 22–23. See also CEDAW/C/CHL/CO/7, para. 50.
[70] For relevant recommendations, see A/HRC/26/5, paras. 121.128–121.130.
[71] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3297604:NO. See also A/HRC/32/36/Add.1, para. 94.
[72] A/HRC/32/36/Add.1, para. 97.
[73] A/HRC/29/40/Add.1, paras. 43–44. See also E/C.12/CHL/CO/4, para. 15.
[74] CEDAW/C/CHL/CO/7, paras. 36–37. See also E/C.12/CHL/CO/4, para. 13, A/HRC/29/40/Add.1, para. 45, country team submission, p. 3, and www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3294921:NO.
[75] CEDAW/C/CHL/CO/7, para. 4 (c).
[76] Ibid., para. 37. See also country team submission, p. 3, and E/C.12/CHL/CO/4, para. 17.
[77] For relevant recommendations, see A/HRC/26/5, paras. 121.62 and 121.131.

[78] CEDAW/C/CHL/CO/7, paras. 40–41. See also E/C.12/CHL/CO/4, para. 20, A/HRC/29/40/Add.1, para. 30, and www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3294933:NO.
[79] For relevant recommendations, see A/HRC/26/5, paras. 121.33 and 121.39–121.40.
[80] A/HRC/32/31/Add.1, paras. 6, 10 and 13–15. See also A/HRC/37/53/Add.1, paras. 5–7, A/HRC/32/31/Add.1, paras. 13–14, and A/HRC/29/40/Add.1, para. 4.
[81] A/HRC/32/31/Add.1, paras. 20 and 64–65. See also E/C.12/CHL/CO/4, para. 24, and CEDAW/C/CHL/CO/7, paras. 40–41.
[82] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21554&LangID=E. See also A/HRC/37/53/Add.1, paras. 18–20.
[83] A/HRC/37/53/Add.1, para. 84. See also E/C.12/CHL/CO/4, para. 26.
[84] Country team submission, p. 12.
[85] E/C.12/CHL/CO/4, para. 27.
[86] CEDAW/C/CHL/CO/7, para. 8. See also CRPD/C/CHL/CO/1, paras. 65–66, CRPD/C/CHL/CO/1/Add.1, p. 6, and A/HRC/37/53/Add.1, para. 17.
[87] For relevant recommendations, see A/HRC/26/5, paras. 121.37 and 121.132–121.145.
[88] E/C.12/CHL/CO/4, para. 28.
[89] A/HRC/29/40/Add.1, para. 84 (l).
[90] Ibid., paras. 59 and 84 (k).
[91] CEDAW/C/CHL/CO/7, paras. 4 (a) and 38. See also country team submission, p. 10.
[92] CEDAW/C/CHL/CO/7, para. 39. See also country team submission, p. 10.
[93] A/HRC/29/40/Add.1, para. 5.
[94] Country team submission, pp. 11–12. See also CRC/C/CHL/CO/4-5, paras. 58–59, and E/C.12/CHL/CO/4, para. 25.
[95] CEDAW/C/CHL/CO/7, para. 23. See also country team submission, pp. 2 and 10.
[96] For relevant recommendations, see A/HRC/26/5, paras. 121.146–121.156.
[97] Country team submission, p. 11. See also CRPD/C/CHL/CO/1, para. 50 (a), A/HRC/35/24/Add.1, paras. 98– 99, and UNESCO, paras. 10–16.
[98] A/HRC/35/24/Add.1, para. 112. See also www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19779&LangID=E.
[99] UNESCO, para. 13. See also CRC/C/CHL/CO/4-5, paras. 67–68.
[100] UNESCO, para. 14. See also A/HRC/35/24/Add.1, para. 123.
[101] CEDAW/C/CHL/CO/7, para. 35. See also A/HRC/29/40/Add.1, para. 60, country team submission, p. 11, and UNESCO, para. 15.
[102] CRC/C/CHL/CO/4-5, para. 41 (a).
[103] For relevant recommendations, see A/HRC/26/5, paras. 121.34–121.35, 121.38, 121.86–121.97, 121.105, 121.124–121.127 and 121.159–121.164.
[104] A/HRC/29/40/Add.1, para. 80.
[105] CEDAW/C/CHL/CO/7, paras. 12–13.
[106] Ibid., paras. 16–17. See also country team submission, p. 3, and A/HRC/29/40/Add.1, para. 26.
[107] See www.cl.undp.org/content/chile/es/home/presscenter/pressreleases/2018/03/19/la-representaci-n-pol-tica-de-las-mujeres-en-chile-ha-mejorado-pero-a-n-queda-camino-por-recorrer-pnud-lanza-nuevo-informe.html. See also CEDAW/C/CHL/CO/7, para. 4 (g)–(h), CCPR/C/CHL/CO/6, para. 13, A/HRC/29/40/Add.1, para. 19, and country team submission, pp. 3–4.
[108] Country team submission, pp. 3–4. See also E/C.12/CHL/CO/4, paras. 14–15, A/HRC/37/53/Add.1, paras. 76 and 86 (h), and A/HRC/29/40/Add.1, para. 14.
[109] A/HRC/29/40/Add.1, para. 75. See also CEDAW/C/CHL/CO/7, para. 24.
[110] Country team submission, p. 4. See also CEDAW/C/CHL/CO/7, para. 25 (b), and A/HRC/29/40/Add.1, para. 82 (m).
[111] For relevant recommendations, see A/HRC/26/5, paras. 121.30–121.32, 121.36, 121.98, 121.106–121.108, 121.118–121.120 and 121.123.
[112] A/HRC/26/5, paras. 121.30 (Estonia), and 121.31 (Honduras).
[113] Country team submission, p. 4.
[114] CRC/C/CHL/CO/4-5, paras. 8–9. See also country team submission, pp. 4–5.
[115] CAT/C/CHL/CO/6, para. 36. See also country team submission, p. 4.
[116] CAT/C/CHL/CO/6, para. 37 (a). See also country team submission, p. 5.
[117] CRC/C/CHL/CO/4-5, para. 47.
[118] Ibid., para. 45. See also E/C.12/CHL/CO/4, para. 22.
[119] CRC/C/CHL/CO/4-5, paras. 85 (a) and 86 (a).
[120] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3342233:NO. See also E/C.12/CHL/CO/4, para. 21.
[121] For relevant recommendations, see A/HRC/26/5, paras. 121.157–121.159.
[122] CRPD/C/CHL/CO/1, para. 6.

[123] Ibid., para. 68.
[124] CRPD/C/CHL/CO/1, para. 20. See also CRPD/C/CHL/CO/1/Add.1, p. 3.
[125] CRPD/C/CHL/CO/1, para. 24.
[126] Ibid., para. 18.
[127] For relevant recommendations, see A/HRC/26/5, paras. 121.160–121.167 and 121.169–121.177.
[128] Country team submission, pp. 7–8. See also A/HRC/32/31/Add.1, para. 77.
[129] E/C.12/CHL/CO/4, para. 8. See also A/HRC/32/31/Add.1, para. 19, www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3300880:NO, and https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/CHL/INT_CERD_ALE_CHL_8681_S.pdf.
[130] A/HRC/32/31/Add.1, paras. 53 and 75. See also A/HRC/29/40/Add.1, para. 64, A/HRC/25/59/Add.2, paras. 89 and 92, and country team submission, p. 7.
[131] Country team submission, p. 6.
[132] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22209&LangID=E. See also A/HRC/25/59/Add.2, para. 94, CAT/OP/CHL/1, para. 119, and CAT/OP/CHL/1/Add.1, paras. 49–56.
[133] Country team submission, p. 8.
[134] For relevant recommendations, see A/HRC/26/5, paras. 121.178–121.183.
[135] UNHCR submission, pp. 4–5. See also CEDAW/C/CHL/CO/7, para. 45, CRC/C/CHL/CO/4-5, paras. 76 (a) and 78 (a).
[136] CCPR/C/CHL/CO/6, para. 23. See also CAT/C/CHL/CO/6, para. 42.
[137] CEDAW/C/CHL/CO/7, para. 32.
[138] CRC/C/CHL/CO/4-5, para. 78 (c). See also para. 76 (b), and A/HRC/37/53/Add.1, para. 61.
[139] Country team submission, pp. 5–6. See also UNHCR, p. 2.
[140] UNHCR submission, p. 2.
[141] Ibid., p. 3.
[142] Ibid., p. 2.
[143] CEDAW/C/CHL/CO/7, para. 33.